

REMARKS

Claims 1-11, 13, 14, 16 and 17 are pending. No amendments have been made by way of the present submission, thus, no new matter has been added.

In the outstanding Office Action the Examiner has required Applicants to elect one of the following two groups:

Group I, claims 1-7, 16, drawn to a composition comprising theanine.

Group II, claims 8-11, 13-14 and 17, drawn to a method for stopping smoking or moderating smoking using a composition containing theanine wherein the composition is suitable for oral mucosa.

Applicants respectfully traverse. Applicants respectfully submit that there is no burden of undue search and/or consideration on the part of the Examiner to search and consider all currently pending claims in their entirety. As such, Applicants respectfully submit that the unity of invention rejection is incorrect. However, in an effort to be fully responsive, Applicants hereby elect the claims of Group II, that is, claims 8-11, 13, 14 and 17. This is an election with traverse.


Favorable action on the merits is respectfully solicited.

If the Examiner has any questions or comments, please contact Craig A. McRobbie, Registration No. 42,874 at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

f By  #42874

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